

**ZB# 02-12**

**Laura & Scott Potter**

**17-3-4**

Prelim.

March 11, 2002.

Public Hearing:

Apr. 8, 2002.

Approved.

Refund 207.50

#02-12 - Potter, Laura + Scott

area

17-3-4



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Potter

FILE# 02-12

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE.....\$ 50.00

*paid ck # 3846*

*3/26/02*

*paid check # 3847*

*3/25/02*

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *3/11/02-3*.....\$ 13.50

2ND PRELIMINARY- PER PAGE.....\$     

3RD PRELIMINARY- PER PAGE.....\$     

PUBLIC HEARING - PER PAGE *4/8/02-2*.....\$ 9.00

PUBLIC HEARING (CONT'D) PER PAGE.....\$     

TOTAL.....\$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: *3/11/02*.....\$ 35.00

2ND PRELIM.....\$     

3RD PRELIM.....\$     

PUBLIC HEARING: *4/8/02*.....\$ 35.00

PUBLIC HEARING (CONT'D).....\$     

TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$       
TOTAL.....\$ 92.50

LESS ESCROW DEPOSIT.....\$ 300.00

(ADDL. CHARGES DUE).....\$     

REFUND DUE TO APPLICANT \$207.50

Date April 29, 2002 .....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Laura Potter DR.  
108 Holly Drive New Windsor, NY 12553

[illegible]

-----X  
In the Matter of the Application of

**LAURA POTTER**

#02-12.  
-----X

**MEMORANDUM  
OF DECISION  
GRANTING  
VARIANCE**

**WHEREAS, LAURA POTTER**, 108 Holly Drive, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an 11 ft. front yard variance to construct a covered porch at the above location, in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 8th day of April, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The proposed porch is similar to other porches in the neighborhood.

(c) The porch will not be constructed on top of any well or septic system, water or sewer easement.

(d) The variance is sought so that the two porches on the property can be connected which, if allowed, would enhance the safety of the dwelling.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 11 ft. front yard variance to construct a covered porch at the above address, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 24, 2002.

*Lawrence W. Torley*

---

Chairman



Date 7/22/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO DR.

DATE			CLAIMED	ALLOWED
4/8/02	Zoning Board Mtg		75.00	
	Misc.			
	App - 2			
	hall - 4			
	Meyer - 2			
	Smith - 3			
	Brown - 12			
	Mt. Airy Estates - 6			
	Potter - 52		148.50	
	<u>33</u>		<u>223.50</u>	

POTTER, SCOTT

Mr. and Mrs. Scott Potter appeared before the board.

MR. TORLEY: Request for 11 ft. front yard variance to construct covered porch at 108 Holly Drive in an R-4 zone. Before you begin, there being no one in the audience, we'll so note that for the record. And Pat has affirmed that she mailed out 65 envelopes on the 25th of March in this matter.

MRS. POTTER: Well, we want to put on a front covered porch, I believe you have the plans and the picture, it's gonna connect to our side porch, so it's going to be like a wraparound porch, it's not going to be screened in, just some columns.

MR. REIS: You're not going over any kind of a sewer lines or water lines or easements?

MRS. POTTER: Should it tell us on the survey?

MR. TORLEY: This is not, if it's your water and your sewer line, basically, it becomes your problem. This is to make sure that you're not building over town water line that they have access to.

MRS. POTTER: I don't think so.

MR. TORLEY: If it was, it would show on the survey or it should.

MR. REIS: So your intention is to come out of the front and come around the side?

MRS. POTTER: From where our steps go to around this side right now we have a porch, screened-in porch that we didn't need a variance on this is when we bought the house, but it will connect to the side porch.

MR. TORLEY: You find this will improve the marketability and value of your home?

MRS. POTTER: Yes.

April 8, 2002

32

MR. TORLEY: Other people in the neighborhood have similar kinds, not identical, but similar kinds of architecture?

MRS. POTTER: Yes, one is putting one on right now.

MR. TORLEY: This won't create any water drainage problems, not going to interfere with sight lines or anyone traveling on the road?

MRS. POTTER: No.

MR. TORLEY: You feel this would improve the safety of your dwelling by connecting the two porches?

MRS. POTTER: Yes.

MR. TORLEY: Do you feel this will help restrain the children?

MRS. POTTER: Yes, yes, hopefully.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we pass Mr. and Mrs. Potter's request for their requested variance at 108 Holly Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR**  
**TOWN OF NEW WINDSOR**  
**ORANGE COUNTY, NEW YORK**

*Prelim.*  
*March 11, 2002*

*#02-12*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 2/22/02

APPLICANT: Scott & Laura Potter  
108 Holly Drive  
New Windsor, NY 12553

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/21/02

FOR : Scott & Laura Potter

LOCATED AT: 108 Holly Drive

ZONE: Sec/ Blk/ Lot: 17-3-4

DESCRIPTION OF EXISTING SITE: Single Family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Bulk/Use Table R-4 zone. Proposed covered porch (6ftx30ft) will be 24ft from the front property line. A variance of 11ft is required.

*Robert J. Lyke*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4    USE: 6ftx30ft front porch

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:    35ft

24ft

11ft

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certificate to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

FEB 29 2002

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: 2002-121

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Scott + Laurie Potter

Address

108 Holly Drive

Phone #

562-1968

Mailing Address

108 Holly Drive

Fax #

Name of Architect

Address

Phone

Name of Contractor

~~Scott Potter~~ Scott Potter

Address

~~1501 S. 1st St.~~ 108 Holly Drive Phone ~~562-1968~~ 562-1968

State whether applicant is owner, lessee, agent, architect, engineer or builder

Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated residential Is property a flood zone? Y N X

3. Tax Map Description: Section 17 Block 3 Lot 4

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

Covered porch

7. Dimensions of entire new construction. Front 30 ft Rear \_\_\_\_\_ Depth 6 ft Height 8 ft No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost

\$ 700.00 approx. Fee

**PAID**

ch# 3824 \$50.00

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Owner's Signature)

(Address of Applicant)

109 Holly Dr. New Windsor, NY 12553  
108 Holly Dr. New Windsor, NY



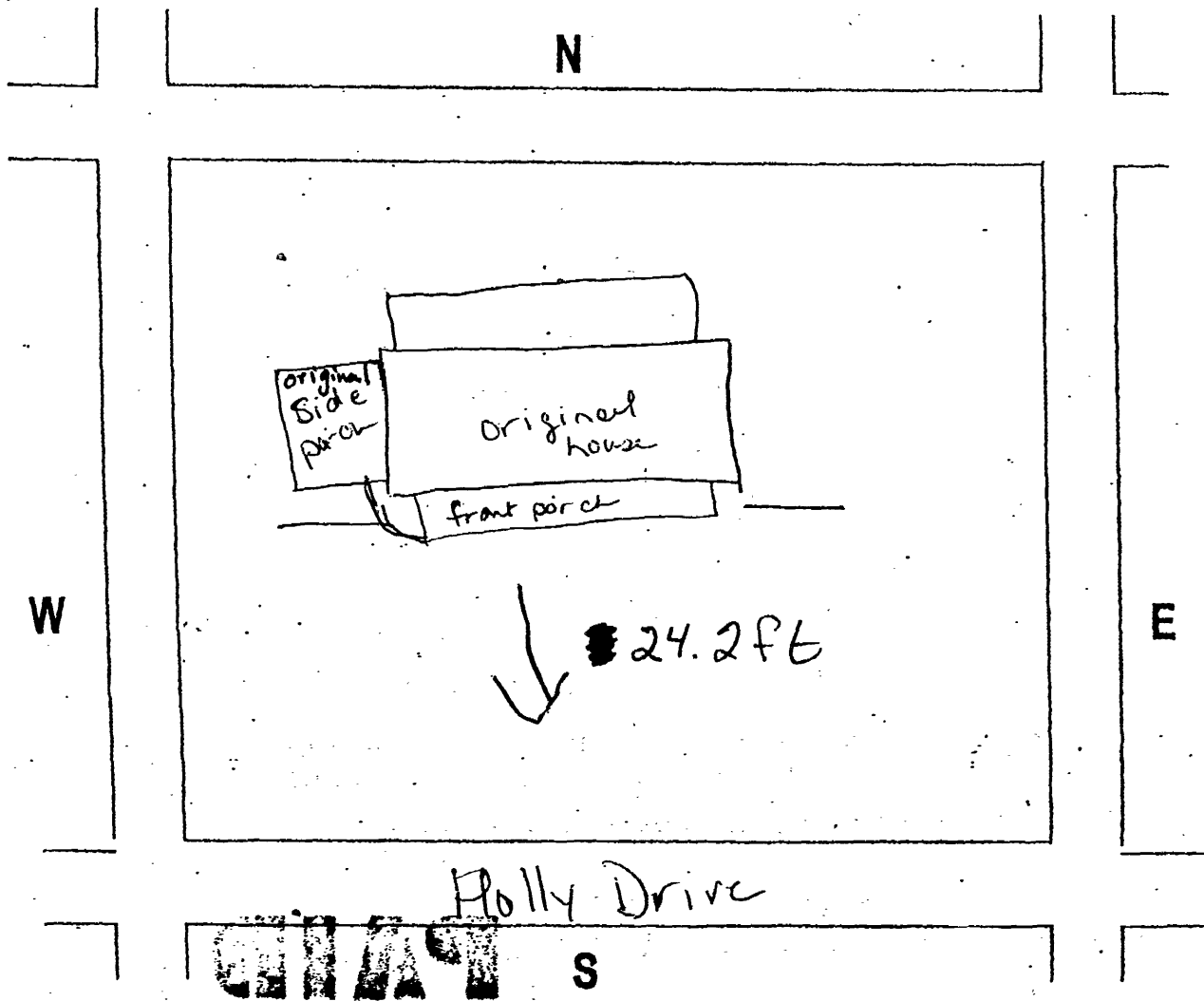
# PLOT PLAN

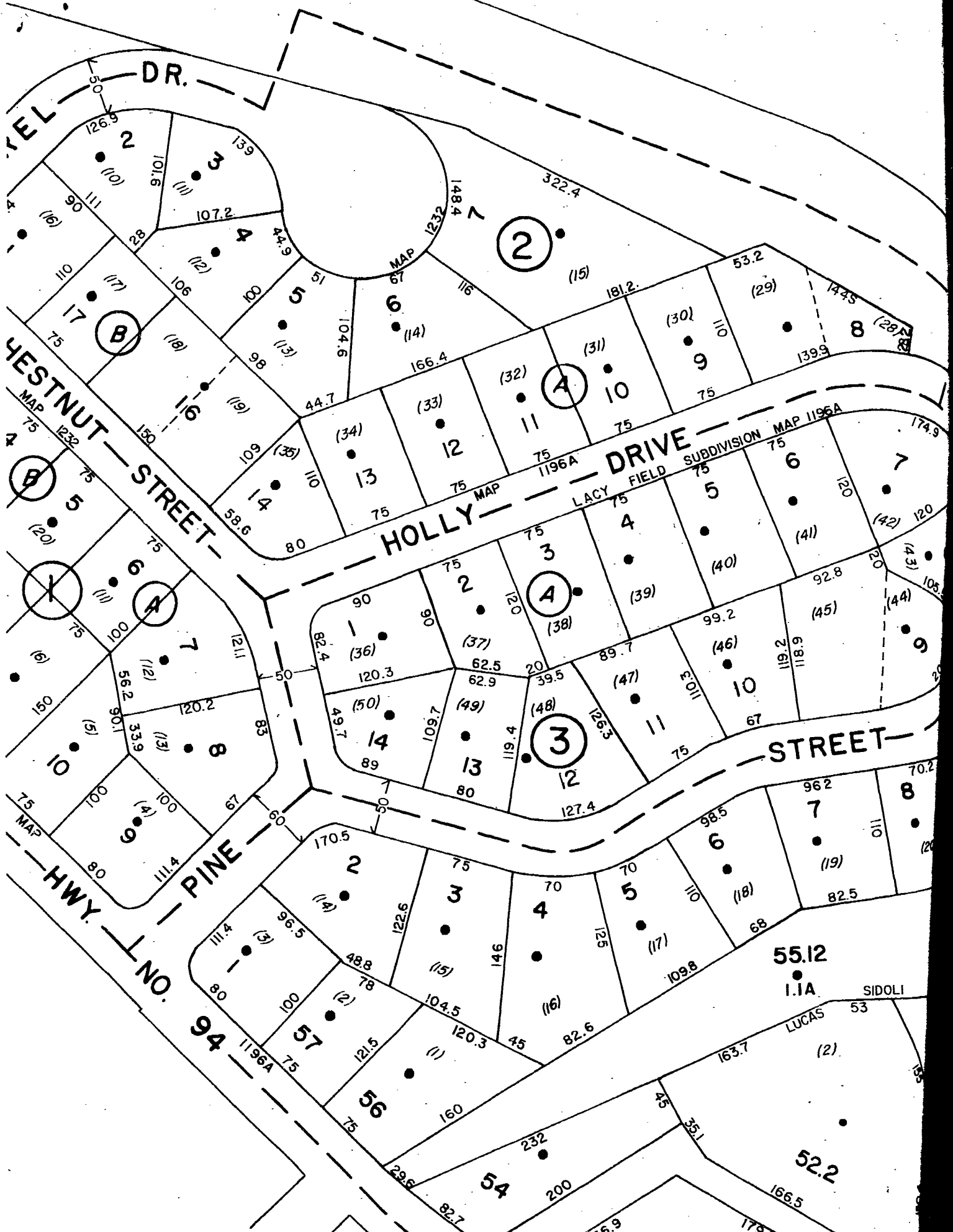
(Scale 1" = 10')

12535

## NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

March 19<sup>th</sup>, 2002



Scott & Laura Potter  
108 Holly Drive  
New Windsor, NY 12553

Re: 17-3-4

Dear Mr. & Mrs. Potter:

According to our records, the attached list of property owners are within five hundred(500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

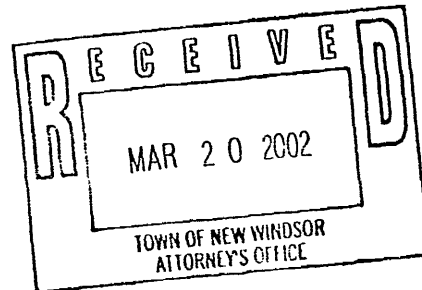
Sincerely,

Leslie Cook  
Sole Assessor

LC/srr

Attachments

CC: Pat Corsetti, ZBA



17-1-4  
Walter & Arlene Ryan  
110 Chestnut Drive  
New Windsor, NY 12553

17-2-2  
Nancy Young  
102 Laurel Drive  
New Windsor, NY 12553

17-2-12  
Jack Maxfield & Jana Murrell  
103 Holly Drive  
New Windsor, NY 12553

17-1-5  
Susan D'Egidio  
112 Chestnut Drive  
New Windsor, NY 12553

17-2-3  
David & Lynn & Wesley Orr  
104 Laurel Drive  
New Windsor, NY 12553

17-2-13  
John & Madge Schnitzler  
101 Holly Drive  
New Windsor, NY 12553

17-1-6  
Mary Edna Pastino  
114 Chestnut Drive  
New Windsor, NY 12553

17-2-4  
Katherine Arra  
PO Box 891  
Vails Gate, NY 12584

17-2-14  
James Secreto & Stephanie Hermance  
121 Chestnut Drive  
New Windsor, NY 12553

17-1-7  
Darren Fogarty & Jean Scruggs  
19 Clintonwood Drive  
New Windsor, NY 12553

17-2-5  
Mary Elizabeth Walsh  
108 Laurel Drive  
New Windsor, NY 12553

17-2-16  
Elizabeth Hornsberger  
117 Chestnut Drive  
New Windsor, NY 12553

17-1-8  
Georgann Betters  
103 Pine Drive  
New Windsor, NY 12553

17-2-6  
Wilma Harris  
110 Laurel Drive  
New Windsor, NY 12553

17-2-17  
Carmine & Doreen D'Ambrosio  
115 Chestnut Drive  
New Windsor, NY 12553

17-1-9  
Ronald & Richard Vanasco  
215 Riley Road  
New Windsor, NY 12553

17-2-7  
Angela Previti  
112 Laurel Drive  
New Windsor, NY 12553

17-3-1  
Adelaide & Josephine & John D'Aiutolo  
102 Holly Drive  
New Windsor, NY 12553

17-1-10  
William Brian & Christine Hotaling  
125 Quassaick Avenue  
New Windsor, NY 12553

17-2-8  
John & Joyce Schoenberger  
111 Holly Drive  
New Windsor, NY 12553

17-3-2  
Robert Marsiglio, Jr.  
104 Holly Drive  
New Windsor, NY 12553

17-1-11  
John & Carol Sarcka  
123 Quassaick Avenue  
New Windsor, NY 12553

17-2-9  
Richard & Bernadette Ballezza  
109 Holly Drive  
New Windsor, NY 12553

17-3-3  
May Kerwan  
106 Holly Drive  
New Windsor, NY 12553

17-1-12  
Anne Nelson  
C/O Karen Culver  
8 Orchard Street  
Newburgh, NY 12550

17-2-10  
Thomas Sayles & Susan Pacione  
107 Holly Drive  
New Windsor, NY 12553

17-3-5  
John & Jean Stamant  
110 Holly Drive  
New Windsor, NY 12553

17-2-1  
Thomas Bracken III  
111 Chestnut Drive  
New Windsor, NY 12553

17-2-11  
Kathi Ann Bose & Thomas Wagner  
105 Holly Drive  
New Windsor, NY 12553

17-3-6  
Mark & Margaret Connolly  
112 Holly Drive  
New Windsor, NY 12553

17-3-7  
Niall & Fiona Marry  
114 Holly Drive  
New Windsor, NY 12553

17-4-3  
Frank & Margaret DiCesare  
104 Pine Drive  
New Windsor, NY 12553

17-4-52.1  
Scott & Linda Henry  
145 Quassaick Avenue  
New Windsor, NY 12553

17-3-8  
Edward Benish  
116 Holly Drive  
New Windsor, NY 12553

17-4-4  
Matthew Mays &  
Michelle Ponsolle Mays  
106 Pine Drive  
New Windsor, NY 12553

17-4-52.2  
Marshall & Rita Rosenblum  
139 Quassaick Avenue  
New Windsor, NY 12553

17-3-9  
Edward & Madge Sadowski  
115 Pine Drive  
New Windsor, NY 12553

17-4-5  
Mark & Lynn O'Keefe  
108 Pine Drive  
New Windsor, NY 12553

17-4-53  
Rafael & Ellice Andujar  
143 Quassaick Avenue  
New Windsor, NY 12553

17-3-10  
Eleanor Lincoln  
111 Pine Drive  
New Windsor, NY 12553

17-4-6  
John & Donna Bilyou  
110 Pine Street  
New Windsor, NY 12553

17-4-54  
Richard Rivera & Jannett Kushnir  
135 Quassaick Avenue  
New Windsor, NY 12553

17-3-11  
SallyAnn Silk  
109 Pine Drive  
New Windsor, NY 12553

17-4-7  
Richard & Lucille Vergili  
112 Pine Drive  
New Windsor, NY 12553

17-4-55.12  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

17-3-12  
Richard Jr. & Joann Vanasco  
107 Pine Drive  
New Windsor, NY 12553

17-4-8  
Dennis & Marie Connolly  
114 Pine Drive  
New Windsor, NY 12553

17-4-56  
John Hansen  
133 Quassaick Avenue  
New Windsor, NY 12553

17-3-13  
Eileen Callahan  
105 Pine Drive  
New Windsor, NY 12553

17-4-9  
John & Vina Boehm  
115 Holly Drive  
New Windsor, NY 12553

17-4-57  
Patrick & Penelope Fogarty  
131 Quassaick Avenue  
New Windsor, NY 12553

17-3-14  
Scott Hecht  
125 Chestnut Drive  
New Windsor, NY 12553

17-4-10  
James & Deana Armstrong  
117 Holly Drive  
New Windsor, NY 12553

17-4-58.1  
Debra Lynn Sidoli  
3155 NYS Rte 9W  
New Windsor, NY 12553

17-4-1  
Ronald & Jane Harsch  
100 Pine Drive  
New Windsor, NY 12553

17-4-11  
Thomas & Cathleen Connolly  
119 Holly Drive  
New Windsor, NY 12553

9-1-78.1  
John II & Lynn Baker  
3212 NYS Rte 9W  
New Windsor, NY 12553


17-4-2  
Donald & Lisa Kinne  
102 Pine Drive  
New Windsor, NY 12553

17-4-12.2  
Gerard & Elizabeth Marino  
121 Holly Drive  
New Windsor, NY 12553

9-1-78.21  
Dr. Paul & Manolita Latoner  
16 Idlewild Park Drive  
Cornwall-on-Hudson, NY 12520


9-1-78.21

New Windsor Apartment Associates LLC  
270 Sylvan Avenue  
Englewood Cliff, NJ 07632




9-1-78.232

David Plotkin  
C/O Steel Style, Inc.  
401 South Water Street  
Newburgh, NY 12553




9-1-79

Cappy & Grace Foster  
35 Sylvan Park Drive  
Newburgh, NY 12550




9-1-80

Joseph Bonura  
3188 NYS Route 9W  
New Windsor, NY 12553



9-1-103

Joseph Bonura  
2975 Route 9W  
New Windsor, NY 12553



*Pls, publish immediately Send bill to Applicant.*

**PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No.** 12

**Request of** Scott & Laura Potter

**for a VARIANCE of the Zoning Local Law to Permit:**

construction of covered porch w/ less than the  
allowable front yard;

**being a VARIANCE of Section** 48-12 - Table of Use/Bulk Regs - Col. E.

**for property situated as follows:**

108 Holly Drive, New Windsor, N.Y.

**known and designated as tax map Section** 17, **Blk.** 3 **Lot** 4.

**PUBLIC HEARING** will take place on the 8th day of April,  
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
**Chairman**

By: Patricia A. Corsetty, Secy.

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**

# 02-12  
Date: 3-13-2002

**I. ✓ Applicant Information:**

- (a) SCOTT & LAURA POTTER 108 Holly Dr. New Windsor, NY (845) 562-1968  
(Name, address and phone of Applicant) (Owner)
- (b) SAME AS ABOVE  
(Name, address and phone of purchaser or lessee)
- (c) NONE  
(Name, address and phone of attorney)
- (d) SI  
(Name, address and phone of contractor/engineer/architect/surveyor)

**II. Application type:**

☐ Use Variance  
☒ Area Variance

☐ Sign Variance  
☐ Interpretation

**✓ III. Property Information:**

- (a) R4 108 Holly Dr New Windsor, NY 12553 173-4 120X75  
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? NONE
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? FEB. 1989
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? NO. If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? NO

**IV. Use Variance. N/A**

- (a) Use Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(Describe proposal) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.	<u>35 ft</u>	<u>24 ft</u>
Reqd. Side Yd.		<u>11 ft</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* Non-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

*The granting of this variance will be in no way detrimental to our neighborhood. Our neighborhood will only benefit from the aesthetics of this project (para)*

VI. Sign Variance: *N/A*

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? \_\_\_\_\_.

VII. Interpretation. *N/A*

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_.

- (b) Describe in detail the proposal before the Board:

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✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*(See photos)*

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**IX. Attachments required:**

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☒ ~~Copy of contract of sale, lease or franchise agreement.~~ Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50,00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

**X. Affidavit.**

Date: 3/25/02

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

*Lauren M. Pote*  
(Applicant)

Sworn to before me this

25th day of March, 2002.

**XI. ZBA Action:**

*Patricia A. Corsetti*

(a) Public Hearing date: \_\_\_\_\_.

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2003

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#293-2002**

03/25/2002

Potter, Laura M. #02-12 Variance

Received \$ 50.00 for Zoning Board Fees on 03/25/2002. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

LAURA M. POT  
SCOTT C. POT  
PH. 845-562-1968  
108 HOLLY DRIVE  
NEW WINDSOR, NY

3846

25/03

Pay Town of New Windsor  
Fifty and 00/100

\$ 50.00

Dollars

Security & features  
included  
Details on back

HUDSON VALLEY FEDERAL  
CREDIT UNION  
159 BARNEGAT ROAD, PO BOX 1000  
PO BOX 1000, NEW WINDSOR, NY 12553

Memo Varia Scott C. Pot

⑆ 221979363⑆0000000038743009⑆3846

© THE COCA-COLA COMPANY

LAURA M. POTTER

50-7936/2219

3847

SCOTT C. POTTER

PH. 845-233-1111

108 HONOLULU

NEW YORK, NY 10003

3/25/02

Pay Town of New Windsor

\$ 300.00

Three Hundred And 00/100

Dollars



Security Features  
Printed on Back

HUDSON VALLEY FEDERAL  
CREDIT UNION

159 BARNEGAT ROAD, POUGHKEEPSIE, NY 12601

Memo ZBA # 02-12

*James M. Potter*

⑆ 221979363⑆ 00000038743009⑆ 3847

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ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

**In the Matter of the Application for Variance of**

Scott & Laura Potter

#02-12..

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 25<sup>th</sup> day of March, 2022, I compared the 65 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Casetti

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

Date 3/12/12

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
100 N. Mary Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
3/11/12		Zoning Board 111 <sup>15</sup>	75.00	
		Misc. 3		
		W.H. Day Estates - 2		
		Coplan - 4		
		Potter - 3 13.50		
		Braun - 3		
		Cleaves/Cutt - 4		
		Digeratu - 9		
		Dean - 1		
		Fidanza - 7		
		36	1102.00	
			237.00	



POTTER, LAURA

Mr. Scott Potter appeared before the board for this proposal.

MR. TORLEY: Request for 11 ft. front yard variance to construct covered porch at 108 Holly Drive in an R-4 zone.

MR. POTTER: I'm her husband, Scott. Good evening, I'm here just to go over what I'd like to do is put a covered porch on my existing house. I live at 108 Holly Drive in Lacey Field and I'm interested in putting on a covered porch that's 6 x 30. And it's just going to enhance the look of the house. What I need is a variance because I need 35 feet and I have 24 now so I'm looking for a variance for 11 feet.

MR. TORLEY: So the house as it sits it's in the front yard?

MR. BABCOCK: The house right now is 30.2 feet off the road, the requirement there is 35 feet, whether that changed since the house has been built, I'm not sure.

MR. POTTER: It hasn't changed the structure, we have added onto the structure.

MR. BABCOCK: The legal requirement. And the covered porch he's allowed 6 x 8 entranceway to project into the front yard. Anything bigger would be part of the setback.

MR. TORLEY: Six or eight feet out?

MR. BABCOCK: Six feet out, eight foot wide, he's going 6 foot out but he's going 30.

MR. KANE: But he would be here anyway if he went to resell or finance?

MR. BABCOCK: No, he's got, there's, I'm assuming there's a C.O. on the house, I don't know why the 30 feet is there.

MR. TORLEY: When was the house put up?

MR. POTTER: Hosue was built in 1941 and 1995, we added a family room on to the back which we went through all the proper zoning and we also added a screened porch and what we want to do is attach the screened porch to the front covered porch.

MR. TORLEY: Does the code say 6 x 8 feet or 6 feet out?

MR. BABCOCK: Six feet out and eight feet long.

MR. TORLEY: It says 8 feet long?

MR. BABCOCK: Yes.

MR. KANE: Six feet out is one thing.

MR. BABCOCK: And it's, Mr. Chairman, it says it's got to be, it can't be a roofed over, got to be open, so it is an entranceway they allow you.

MR. TORLEY: Trying to save you something.

MR. POTTER: What I do want to do is put the covered porch with spindles in the front so it will come out 6 feet, it will go 30 feet across the front and attach to the existing screen porch, which is on the left side of the house, if you look from street.

MR. TORLEY: So you have to be here.

MR. POTTER: I have pictures here if you'd like.

MR. TORLEY: Bring them again for the public hearing.

MR. POTTER: We want to put the front porch in the front and extend right onto the screened in area.

MR. KANE: With the changes to the front of the house, would that keep it similar to other homes in the area, not exactly but similar?

MR. POTTER: There are houses who have added front

porches on and it will keep to the same character of the house.

MR. KANE: Not going to create any water hazards, runoffs?

MR. POTTER: No, it's a very flat piece of property.

MR. KANE: You would consider the porch and roofing more of a safety issue for you?

MR. POTTER: Yeah, that's one of the reasons why we want to put it on.

MR. KANE: Thank you.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Motion that we set up the Potters for their requested variance at Holly Drive.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE